

REMARKS

Claims 1-5 are pending in the application. In the non-final Office Action dated April 25, 2007, the Examiner made the following disposition:

- A.) Rejected claims 1, 2, and 5 under 35 U.S.C. §102(e) as being anticipated by *Bruner*.
- B.) Rejected claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over *Bruner* in view of *Lin* or *Schmid*.

Applicant respectfully traverses the rejections and addresses the Examiner's disposition below.

- A.) Rejection of claims 1, 2, and 5 under 35 U.S.C. §102(e) as being anticipated by *Bruner*:
Applicant respectfully disagrees with the rejection.

Independent claim 1, as amended, claims a method for manufacturing a micromachine including an oscillator. There is a step of forming a sacrifice layer around a movable portion of the oscillator, the sacrificial layer comprising silicon dioxide. There is a step of covering the sacrifice layer with an overcoat film, followed by the formation of a penetrating hole reaching the sacrifice layer in the overcoat layer. There is a step of performing sacrifice-layer etching for removing the sacrifice layer using the penetrating hole in order to form a space around the movable portion. There is a step of performing a film-formation treatment at a reduced pressure following the sacrifice-layer etching so as to seal the penetrating hole.

This is clearly unlike *Bruner*, which fails to disclose or suggest forming a sacrifice layer comprising silicon dioxide. *Bruner* teaches forming etch stop layers 203 and 207 of silicon oxide. *Bruner* also forms sacrifice layers 205 and 209 of polysilicon. *Bruner* [0029]. *Bruner* teaches that its sacrifice layers 205 and 209 are polysilicon instead of silicon oxide, so that they can be etched away without also etching away its silicon oxide etch stop layers 203 and 207.

Thus, *Bruner* fails to disclose silicon dioxide sacrifice layers and teaches away from them. Accordingly, *Bruner* fails to disclose or suggest claim 1.

Claims 2 and 5 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

B.) Rejection of claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over *Bruner* in view of *Lin* or *Schmid*:

Applicant respectfully disagrees with the rejection.

Claim 1 is allowable over *Bruner* as discussed above. *Lin* and *Schmid* still fail to disclose or suggest . Therefore, *Bruner* in view of *Lin* or *Schmid* still fails to disclose or suggest claim 1.

Claims 3 and 4 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-5 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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